IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4965 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BALWANTBHAI MADHUBHAI MISTRI

Versus

SARPANCH

Appearance:

MR AMIT M PANCHAL for Petitioner No. 1

MR DN TRIVEDI for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 24/07/2001

ORAL JUDGEMENT

Rule. Mr.D.N. Trivedi, learned advocate waives service of the rule on behalf of the respondent-Panchayat. With the consent of the parties, the matter is taken up for final disposal.

2. The contents of the documents, namely, the

written statement dated 20.3.2001, Annexure 'A', page 7; the Resolution of the General Body of Tarsadi Gram Panchayat dated 14.7.2001, Annexure 'B', page 9, are taken into consideration. In view of the fact that the learned Judge of the Labour Court, Surat, in its award dated 20.3.2001, has not given any reasons as to why only 25% of back wages are awarded to the petitioner workman, when it is clear that the order dated 3.5.1999 was passed on account of political reasons by the In Charge Sarpanch, in absence of regular Sarpanch, and the Labour Court has recorded a finding in the award that the order dated 3.5.1999 was illegal, unreasonable, there was no reason for the learned Judge to award only 25% of the back wages.

3. However, taking into consideration the fact that the amount is to be paid by a local authority-the Panchayat, it is deemed fit that instead of awarding 100 % of the back wages, interest of justice will be served if 80 % of back wages is awarded.

4. The petition is allowed. The petitioner be paid 80 % of back wages. The impugned award 20.3.2001, Annexure 'C' to the petition is modified to that extent. Rule is made absolutely accordingly. No order as to costs.

(Ravi R. Tripathi, J.)
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